

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
(Southern Division)

JAMES HERBERT BOYD, JR., *et al.*,
Individually and
on behalf of all similarly-situated individuals,

Plaintiffs,

v.

SFS COMMUNICATIONS, LLC, *et al.*,

Defendants.

Civil Action No.: 15-cv-3068-PJM

PROPOSED ORDER

Having reviewed the Parties' Settlement Agreement and Joint Motion and Memorandum of Law In Support of Motion for Preliminary Approval of Settlement, it is hereby ORDERED:

1. The Settlement Agreement (ECF No. 202-2) is preliminarily approved as a fair, reasonable, and adequate resolution of a *bona fide* dispute under *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982) (applying this standard in *Starr v. Credible Behav. Health, Inc.*, No. CV 20-2986 PJM, 2021 WL 2141542, at *4 (D. Md. May 26, 2021)), and meets the standards of Federal Rule of Civil Procedure 23(e) subject to notice and a final hearing;
2. The form and content of the Settlement Notice (ECF No. 202-2, Ex. A) is approved;
3. Simpluris, Inc. is appointed Claims Administrator;
4. Within seven (7) days of this Order, Class Counsel shall provide the Claims Administrator with each of the following if known by Class Counsel: the last known mailing addresses, email addresses, IRS W-4 Forms, Social Security numbers, and phone numbers of Class

Members and an Excel chart in the format of ECF No. 192-4;

5. Within twenty (20) days of this Order, the Claims Administrator will mail the notice to all Class Members *via* regular First-Class U.S. Mail and email the notice to all Class Members if email is available. Any notice returned as undeliverable on or before thirty (30) days after the initial mailing will be re-mailed promptly *via* regular First-Class U.S. Mail to the forwarding address affixed thereto and the Claims Administrator will indicate the date of such re-mailing of the notice. If no forwarding address is provided, the Claims Administrator will promptly attempt to determine the correct address using a skip-trace, or other reasonable search means, and will then re-mail the notice;
6. The notice period for this action shall be forty-five (45) days from the date the Claims Administrator initially mails and/or emails the notice ("Notice Period");
7. Class Members will have the opportunity to opt-out or object to the Settlement during the Notice Period. Failure to timely opt-out or object to the Settlement waives the Class Members' right to opt-out or object to the Settlement;
8. To opt-out of the Settlement, the Class Member must send correspondence by mail, email, or fax to the Claims Administrator so that it is received by the Claims Administrator during the Notice Period, stating that they would like to be excluded from the case. This correspondence must be signed by the Class Member, dated, and must include their name, address, email, phone number, and the last four digits of their social security number. The correspondence must also state: (1) that they are requesting to be excluded from the case styled *Boyd, et al. v. SFS Communications, LLC, et al.* and (2) that they understand that by opting out of the case they will not be bound by the Settlement and will receive no monetary

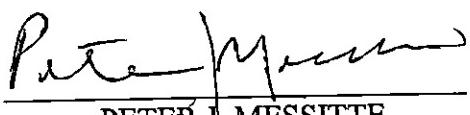
payment under the Settlement. Any individual who fails to opt-out in the manner prescribed above shall be deemed to have waived their right to opt-out of the Settlement;

9. To object to the Settlement, the Class Member must send a written objection by mail, email, or fax to the Claims Administrator that includes (1) their name, (2) their address, email, and phone number, (3) the last four digits of their social security number, (4) the name of the case (*Boyd, et al. v. SFS Communications, LLC, et al.*), (5) their signature and the date, (6) a detailed statement of the basis for each objection they make, (7) whether their objection applies only to them (the objector), to a specific subset of the class, or to the entire class, (8) the grounds on which they desire to appear at the Final Approval Hearing and be heard (if any); and (9) if they are represented by an attorney, the name, address, and email of the attorney representing them. Any individual who fails to object in the manner prescribed above shall be deemed to have waived their objections.

10. At least ten (10) days before the Final Approval Hearing, the Plaintiffs or Parties shall file a Motion for Final Settlement Approval; and

11. The Final Approval Hearing shall be held on the 24th day of February 2022 at COURTROOM TBD 2:00 a.m./p.m. [approximately 90 days from the date of this Order] at _____ for a final determination of whether the Settlement is fair, reasonable, and adequate (including a review of any objections to the Settlement, if any).

DONE AND ORDERED in Greenbelt, Maryland this 23 day of Nov, 2021.



PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE